

by the voters. While I respect the voters' will to impose term limits and return to a citizen legislature, I believe the scarlet letter initiative is ill-conceived. By dictating the exact language of the amendment rather than providing the desired general terms, the referendum precludes Members from voting for amendments which would accomplish the same thing.

Today I supported three different proposals including: First the McCollum base bill which sets a lifetime limit of six terms in the House and two terms in the Senate; second, the Fowler amendment which sets four consecutive terms in the House and two consecutive terms in the Senate; and third, the Scott amendment which sets a lifetime limit of six terms in the House and two terms in the Senate while also giving States the right to enact shorter terms. I believe these are each viable and reasonable proposals.

We need legislators in Washington, DC, more concerned about the well-being of the Nation than building their own political empire. Term limits will eliminate career politicians who, through the benefits of incumbency and cozy relationships with special interests, have stacked the deck against challengers.

While term limitations are a blunt instrument, I hope they will help bring to Congress citizen legislators interested in serving their country for a limited time and returning to private life where they too must live by the laws they have created.

TRIBUTE TO ELLIOTT P. LAWS

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 1997

Ms. HARMAN. Mr. Speaker, I rise today to honor Elliott P. Laws, who is stepping down from his position as EPA's Assistant Administrator for Solid Waste and Emergency Response at the end of this week.

In my view, no member of the Clinton administration has been more effective in serving the American people. Like many, Elliott possesses the necessary intelligence, creativity, and patience. But what has made Elliott truly special is that he is a caring and compassionate person—qualities which pervade every aspect of his work.

With his vast experience not only in the Federal Government, but also in the private sector and at the State level, it is no wonder that Elliott has not tolerated business as usual at the EPA. Elliott embodies the notion of reinventing government.

For more than 2 years, Elliott and I have worked together to help constituents of mine who have the misfortune of living between two Superfund sites—a former DDT manufacturing plant and toxic waste pits. Before Elliott got involved, EPA seemed content to stick with the old way of doing business and planned to temporarily move residents, remove toxic DDT from their homes, and then return them to their neighborhood—notwithstanding the waste pits which loomed nearby.

Once I called on Elliott for help, he made it clear that the old way was not acceptable, and that an innovative solution had to be found. To begin with, Elliott came to California to meet with residents in their own backyards to learn

the scope of the problem from them. Elliott used his persuasiveness to get local residents and potential responsible parties to sit down with a mediator to discuss ways to permanently relocate those at the site. Months and months of hard work by everyone involved has apparently paid off and a buyout plan will hopefully be ratified in the next few weeks. Residents will be permanently relocated, and can finally move on with their lives.

Mr. Speaker, the Federal Government needs more public servants like Elliott Laws. I wish him well in all of his future endeavors.

INTRODUCTION OF THE MIGRATORY BIRD TREATY REFORM ACT OF 1997

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 1997

Mr. YOUNG of Alaska. Mr. Speaker, I am pleased to introduce today, along with the co-chairman of the Congressional Sportsmen's Caucus, JOHN TANNER, and our colleague, CLIFF STEARNS, the Migratory Bird Treaty Reform Act of 1997. This measure is basically identical to legislation I proposed at the end of the previous Congress.

It has been nearly 80 years since the Congress enacted the Migratory Bird Treaty Act [MBTA]. Since that time, there have been numerous congressional hearings and a distinguished Law Enforcement Advisory Commission was constituted to review the application of the MBTA regulations. Although these efforts clearly indicated serious problems, there has been no meaningful effort to change the statute or modify the regulations. Due to administrative inaction and the clear evidence of inconsistent application of regulations and confusing court decisions, it is time for the Congress to legislatively change certain provisions that have, and will continue to penalize many law-abiding citizens. I assure my colleagues, as well as landowners, farmers, hunters, and concerned citizens, that this legislation in no way undermines the fundamental goal of protecting migratory bird resources.

Before explaining this legislation, I would like to provide my colleagues with some background on this issue. In 1918, Congress enacted the Migratory Bird Treaty Act, that implemented the 1916 Convention for the Protection of Migratory Birds between Great Britain—for Canada—and the United States. Since that time, there have been similar agreements signed between the United States, Mexico, and the former Soviet Union. The convention and the act are designed to protect and manage migratory birds as well as regulate the taking of that renewable resource.

In an effort to accomplish these goals, over the years certain restrictions have been imposed by regulation on the taking of migratory birds by hunters. Many of these restrictions were recommended by sportsmen who felt that they were necessary management measures to protect and conserve renewable migratory bird populations. Those regulations have clearly had a positive impact, and viable migratory bird populations have been maintained despite the loss of natural habitat because of agricultural, industrial, and urban activities.

Since the passage of the MBTA and the development of the regulatory scheme, various

legal issues have been raised and most have been successfully resolved. However, one restriction that prohibits hunting migratory birds by the aid of baiting, or on or over any baited area has generated tremendous controversy, and it has not been satisfactorily resolved. The reasons for this controversy are twofold:

First, a doctrine has developed in Federal courts whereby the actual guilt or innocence of an individual hunting migratory birds on a baited field is not an issue. If it is determined that bait is present, and the hunter is there, he is guilty under the doctrine of strict liability, regardless of whether there was knowledge or intent. Courts have ruled that it is not relevant that the hunter did not know or could not have reasonably known bait was present. Understandably, there has been much concern over the injustice of this doctrine that is contrary to the basic tenet of our criminal justice system: that a person is presumed innocent until proven guilty, where intent is a necessary element of that guilt.

A second point of controversy is the related issue of the zone of influence doctrine developed by the courts relating to the luring or attracting of migratory birds to the hunting venue. Currently, courts hold that if the bait could have acted as an effective lure, a hunter will be found guilty, regardless of the amount of the alleged bait or other factors that may have influenced the migratory birds to be present at the hunting site. Again, a number of hunters have been unfairly prosecuted by the blanket application of this doctrine.

In addition, under the current regulations, grains scattered as a result of agricultural pursuits are not considered bait as the term is used. The courts and the U.S. Fish and Wildlife Service, however, disagree on what constitutes normal agricultural planting or harvesting or what activity is the result of bona fide agricultural operations.

During the past three decades, Congress has addressed various aspects of the baiting issue. It has also been addressed by a Law Enforcement Advisory Commission appointed by the Fish and Wildlife Service. Sadly, nothing has resulted from these examinations and the problems still persist. As a consequence, landowners, farmers, wildlife managers, sportsmen, and law enforcement officials are understandably confused.

On May 15, 1996, the House Resources Committee, which I chair, conducted an oversight hearing to review the problems associated with the MBTA regulations, their enforcement, and the appropriate judicial rulings. It was abundantly clear from the testimony at this hearing, as well as previous hearings, that the time has come for the Congress to address these problems through comprehensive legislation. From a historical review, it is obvious that regulatory deficiencies promulgated pursuant to the Migratory Bird Treaty Act will not be corrected, either administratively or by future judicial rulings.

Since there is inconsistent interpretation of the regulations under MBTA that the executive and judicial branches of Government have failed to correct, the Congress has an obligation to eliminate the confusion and, indeed, the injustices that now exist. It is also important that Congress provide guidance to law enforcement officials who are charged with the responsibility of enforcing the law and the accompanying regulations.

It must be underscored that sportsmen, law enforcement officials and, indeed, Members of